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**Changes to legislation:** Finance Act 1999, Cross Heading: Finance Act 1994 (c.9) is up to date with all changes known to be in force on or before 23 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

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## SCHEDULES

### SCHEDULE 12

#### STAMP DUTY: INTEREST AND PENALTIES ON LATE STAMPING

##### *Finance Act 1994 (c.9)*

- 4 For section 240 of the Finance Act 1994 (time for presenting agreements for leases) substitute—

#### **“240 Time for presenting agreement for lease.**

- (1) This section applies if there are presented for stamping at the same time in pursuance of Schedule 13 to the Finance Act 1999—
  - (a) an agreement for a lease, and
  - (b) the lease which gives effect to the agreement,and the duty (if any) chargeable on the agreement is paid.
- (2) Section 15A of that Act (interest payable on late stamping) applies in relation to the agreement as if the reference to the day on which the instrument was executed were to the day on which the lease was executed.
- (3) For the purposes of section 15B of that Act (penalty on late stamping) the agreement is treated—
  - (a) as if it had been executed at the same time and place as the lease, and
  - (b) where the lease was executed outside the United Kingdom, as if it had been first received in the United Kingdom at the same time as the lease.
- (4) For the purposes of this section a lease gives effect to an agreement if the lease is granted subsequent to the agreement and either is in conformity with the agreement or relates to substantially the same property and term as the agreement.
- (5) References in this section to an agreement for a lease include missives of let in Scotland.

#### **240A Requirements before lease treated as duly stamped.**

- (1) A lease shall not be treated as duly stamped unless—
  - (a) it contains a certificate that there is no agreement to which it gives effect, or
  - (b) it is stamped with a stamp denoting—
    - (i) that there is an agreement to which it gives effect which is not chargeable with duty, or
    - (ii) the duty paid on the agreement to which it gives effect.

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- (2) For the purposes of this section a lease gives effect to an agreement if the lease is granted subsequent to the agreement and either is in conformity with the agreement or relates to substantially the same property and term as the agreement.
- (3) References in this section to a lease do not include, and references in this section to an agreement do include, missives of let in Scotland.”

**Changes to legislation:**

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Sch. 17 para. 6 - 8 Sch. 19 Pt. 1-III repealed (prosp.) by 1999 c. 16 s. 123(3)s. 123(4)139Sch. 20 Pt. 5(6) Note